

Page 38, line 20, change "cylindric" to --cylindrical--.

IN THE CLAIMS:

Please amend claims 1, 16 and 29 as follows:

Claim 1, line 9, delete "N,";

line 11, delete "(cyclopolyenic";

line 12, delete "structure)".

Claim 16, line 13, delete "N,";

line 15, delete "(cyclopolyenic";

line 16, delete "structure)".

Claim 29, line 8, change "claims 12 and 16" to --claim 12 or 16--.

REMARKS

This Amendment amends claims 1, 16 and 29 and makes minor editorial changes to the specification. Claims 1-40 are pending, although claims 30-40 have been withdrawn from further consideration.

Applicants affirm their provisional election of Group I, claims 1-29. However, it is believed that the restriction requirement should be withdrawn because search and examination of the entire application can be made without serious burden. More particularly, non-elected claims 30-36 are directed to 1,-3 diethers which are specified as part of the solid catalyst component of dependent claim 4, as well as dependent claim 18. Thus, thorough search and examination of Group I (claims 1-29) will

necessarily include the diether of Group II. Non-elected claims 37-40 specify a process for the synthesis of a diether of formula (III). This process can be used for the synthesis of diethers of general formula (I). See claim 38. Thus, search and examination of Group II will be substantially coextensive with search and examination of Group I. Reconsideration and withdrawal of the restriction requirement are earnestly requested.

The 35 U.S.C. § 112, second paragraph, rejection of claims 1-3, 8-17 and 22-29 is respectfully traversed. Claims 1 and 16 unambiguously define the number of permissible carbon atoms in both heterocyclic embodiments of the cyclopolyyenic 1,3-diether. More particularly, there can be 5-n carbon atoms where "n" is the number of nitrogen atoms present in the heterocyclic structure. Similarly, there can be 6-n¹ carbon atoms wherein "n¹" is the number of heteroatoms selected from a specified Markush grouping. Moreover, claims 1 and 16 specify that n can be only 1 or 2, and n¹ can only be 1, 2 or 3. Reconsideration and withdrawal of the indefiniteness rejection of claims 1-3, 8-17 and 22-29 are earnestly requested.

The 35 U.S.C. § 103(a) rejection of claims 1-6, 8-20 and 22-29 over commonly-assigned U.S. Patent No. 5,122,492 to Albizzati et al., U.S. Patent No. 5,068,213 to Albizzati et al. and U.S. Patent No. 4,978,648 to Barbé et al., all together or all in view of

Japanese Patent Publication No. 2,242,804 to Denko, is respectfully traversed. The Applicants have discovered that the use of specified cyclopolyenic 1,3-diethers as either internal or external electron donors to olefin polymerization catalysts permit very high levels of stereospecificity while maintaining high catalytic activity (Specification, page 3, lines 2-7 and lines 23 to page 4, line 4).

The cited combination of references fails to raise a prima facie case of obviousness against the claimed invention because there is no suggestion to modify the unsaturated cyclic analogs disclosed by Albizzati '213 by using multiple unsaturations in position 2 of the 1,3-diether. More particularly, the homolog rule does not extend to structural analogs per se. The Examiner's attention is directed to Ex parte Brouard, 201 U.S.P.Q 538, 539 (Bd. App. 1976) ("[N]or do we agree that it would be obvious to interchange ethyl and ethenyl groups, absent some suggestion from the reference"). Instead, the prior art must supply a suggestion to substitute the cyclopolyenic 1,3-diether of the claimed invention for the saturated cyclic analogs disclosed by Albizzati '213 and Barb  et al. The Patent Office has failed to identify such a suggestion, and it is respectfully suggested that there is no such suggestion in any of the cited references. Reconsideration and withdrawal of the obviousness rejection of claims 1-6, 8-20 and 22-29 are earnestly requested.

The 35 U.S.C. § 103(a) rejection of claims 1-6, 8-20 and 22-29 over European Patent Publication No. 452,156 to Kioka in view of Barbé et al., Albizzati '492 and Denko is respectfully traversed. As discussed above, the Applicants have discovered that the use of cyclopolyenic 1,3-diethers wherein the carbon atom in position 2 belongs to a particular cyclic or polycyclic structure containing two or three unsaturations permits the production of solid catalyst components and catalysts for olefin polymerization which exhibit very high levels of stereospecificity while maintaining high catalytic activity.

The cited combination of references fails to raise a prima facie case of obviousness against the claimed invention because none of the references suggest the substitution of unsaturated cyclopolyenic 1,3-diethers for the saturated cyclic diethers of Albizzati '492 and Barbé et al. Instead, Kioka is cumulative at best to Albizzati '213 and Barbé et al. because it discloses saturated, cyclic 1,3-diethers rather than unsaturated diethers. See page 7, lines 19-21 of Kioka. Reconsideration and withdrawal of the obviousness rejection of claims 1-6, 8-20 and 22-29 are earnestly requested.

An Information Disclosure Statement was filed on August 8, 1996. Although several of the references submitted therein have been cited in the Official Action, the Form PTO-1449 submitted as part of the Information Disclosure Statement has not been returned

to Applicants. The Examiner is requested to return a copy of the Form PTO-1449, marked to indicate consideration of the remaining references, together with the next Patent Office communication.

Certified copies of the priority documents for this application were filed on February 6, 1997. The Patent Office is requested to acknowledge receipt of the priority documents in the next Patent Office communication.

It is believed the Application is in condition for allowance. Reconsideration and withdrawal of all rejections of claims 1-6, 8-20 and 22-29, search and examination of the entire application, and issuance of a Notice of Allowance directed to claims 1-40, are earnestly requested. The Examiner is urged to telephone the undersigned should he believe any further action is required for allowance.

In the event that this Amendment is not considered to be timely filed, Applicants hereby petition for an appropriate extension of time. The fee for any such extension may be charged to our Deposit Account No. 01-0305.

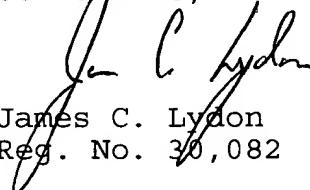
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AMENDMENT

PATENT

In the event any additional fees are required, please also charge our Deposit Account No. 01-0305.

Respectfully submitted,

ADDUCI, MASTRIANI &
SCHAUMBURG, L.L.P.


James C. Lydon
Reg. No. 30,082

Atty. Case No. MONT-048
1140 Connecticut Ave., N.W.
Suite 250
Washington, D.C. 20036
Tel: (202) 467-6300
MONT-048.AMD